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OFFICE OF PETITIONS
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In re Application of :
Brad A. Ozenberger et al. :
Application No. 09/172,990 :
Filed: October 14, 1998 :
Attorney Docket No. AHP-98126 ICI :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 20, 2000, to revive the above-identified application.

The petition is **GRANTED**.

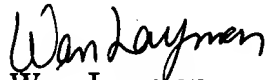
The two-month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 12, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 13, 2000.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$890 extension of time submitted with the petition on December 20, 2000 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

The application file is being forwarded to Technology Center 1600.

A handwritten signature in cursive script, appearing to read "Wan Laymon".

Wan Laymon

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy